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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,587	01/17/2002	William Brett Novosat	1-569	2982

7590 07/22/2003

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[REDACTED] EXAMINER

DEL SOLE, JOSEPH S

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

1722

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DATE MAILED: 07/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/052,587	NOVOSAT, WILLIAM BRETT
	Examiner	Art Unit
	Joseph S. Del Sole	1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10 July 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 and 23-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-15 is/are allowed.
- 6) Claim(s) 16-20 and 23-26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 17 January 2002 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claim 16, 18-20 and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen (4,009,981) in view of Applicant's admission.

Rosen teaches a pressure box (Fig 3) having a top plate (Fig 1), side and end plates (Fig 3, #80 and #97) extending downwardly below the top plate, the top plate and the side and end plates defining a pressure chamber open at the bottom of the pressure box (Fig 1) and a resilient circumferential seal on the bottom of the pressure box (Fig 3, including the surfaces of #80 and #97); the seal extending around the pressure chamber to form a seal; at least one of the said plates having a pair of walls defining an essentially uniform width slot open at the lower end of such plate (Fig 1), the slot extending along the length of such plate (Fig 3); a resilient sealing member in the slot

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(Fig 3, #97), the sealing member extending downwardly below the lower end of such plate to an end surface below the lower end of such plate, the end surface forming a portion of the seal (Fig 3); the end surface is disposed to about 0.020 inches below the lower end of such plate (Fig 1); the sealing member comprises a pair of flat, outer sides facing the walls of the slot and the end surface is substantially perpendicular to the sides of the sealing member (Fig 6); the end surface of the sealing member is a cut surface; and the sealing member is a sheet strip of elastomeric material (col 4, lines 28-44).

Rosen fails to teach the end surface of the seal being a three-dimensional shape when the end surface is unstressed, the end surface facing and conforming to a three dimensional shape of the portion of the mold pressed by the end surface; at least one of the walls has a bottom surface on the bottom of the pressure box, the bottom surface having a three-dimensional shape conforming to a three-dimensional shape of the mold portion facing the bottom surface; the end surface being at least one of a concave portion and a convex portion; the end surface having a plurality of planar surfaces, the surfaces not located in a common plane.

Applicant's admission at page 2, line 24 through page 3 line 24 states that the prior art teaches a seal having a three-dimensional shape conforming to the three dimensional shape of the mold pressed by the end surface and walls having a bottom surface on the bottom of the pressure box having a three dimensional shape also conforming to the shape of the mold for the purpose of achieving seamless continuous thermoforming.

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It would have been obvious to one having ordinary skill in the art at the time of the Applicant's invention to have modified the invention of Rosen with the end surfaces of the seal and the bottom surface of the walls begin three dimensional to conform to a three-dimensional shape of the mold (thus it would too have been obvious for these three dimensional shapes to have matched mold shaped having concave and convex portions or a plurality of planar surfaces not located in a common plane) as taught by Applicant's admission because matching the mold enables seamless thermoforming.

4. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen (4,009,981) and Applicant's admission in view of Stofko (4,504,205).

Rosen teaches the apparatus as discussed above.

Rosen fails to explicitly teach or suggest the elastomeric material being silicone rubber.

Stofko teaches a circumferential seal (Fig 1, #22) of a pressing and thermoforming apparatus (Fig 1) being silicone rubber for the purpose of preventing the escape of steam (col 4, lines 37-54).

It would have been obvious to one having ordinary skill in the art at the time of the Applicant's invention to have modified the seal of the invention of Rosen with the seal being formed of silicone rubber as taught by Stofko because preventing the release of steam lowers the loss of heat, thereby being more energy and cost efficient.

Response to Arguments

5. Applicant's arguments with respect to claims 16-20 and 23-26 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

6. Claims 13-15 are allowed.
7. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach or suggest a pressure box having a top plate, side and end plates with at least one of the plates having first and second plate members, each comprising a wall with the walls facing each other and defining a slot open at the lower end of the plate; a resilient sealing member in the slot and immediately adjacent the slot walls wherein the walls constrain the sealing member.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph S. Del Sole whose telephone number is (703) 308-6295. The examiner can normally be reached on Monday through Friday from 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wanda Walker, can be reached at (703) 308-0457. The official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 for non-after finals and (703) 872-9311 for after finals.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Joseph S. Del Sole
J.S.D.
July 16, 2003

Robert Davis
ROBERT DAVIS
PRIMARY EXAMINER
GROUP 1300-1200

7/21/03